



Docket No.: 1568.1078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chang-Seob KIM et al.

Serial No. 10/736,837

Group Art Unit: 1745

Confirmation No. 5430

Filed: December 17, 2003

Examiner: John S. Maples

For: ELECTRODE UNIT AND SECONDARY BATTERY USING THE SAME

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed January 12, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance set forth starting on page 2 of the Notice of Allowance include the Examiner's comment indicating that none of the prior art of record teaches either a battery or a method of making such a battery. However, it is submitted that these comments are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in MPEP §1302.14. At least the following items render the Examiner's statement of reasons for allowance improper under this rule.

By way of example, independent claim 1 is drawn to an electrode unit while independent

claim 11 is drawn to a method of preparing an electrode unit. Accordingly, the claims are not limited to a battery and a method of making such a battery as recited in the Examiner's statements of reasons for allowance.

Furthermore, the foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 3/11/05

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